



Memorandum

Date: September 10, 1997

To: BDAC Water Transfers Work Group

From: Rick Soehren
CALFED Bay-Delta Program

Subject: Identification and Prioritization of Water Transfers Issues

The water transfers issues that were identified in the draft CALFED discussion paper dated July 17, 1997 (distributed previously to Work Group participants) may be divided between those issues that might be addressed primarily by the BDAC Water Transfers Work Group and those that might be addressed primarily by CALFED and agency staff. Some issues require substantial policy recommendations, and these may be examined first by the BDAC and its Water Transfers Work Group. Once BDAC makes policy-level recommendations and policies are set by the CALFED agencies, technical details could be developed by CALFED and agency staff. Other issues are more technical, and for these it may be appropriate for CALFED agencies to make technical recommendations. BDAC and the Transfers Work Group would be given an opportunity to review the policy implications of agency technical recommendations.

The list below contains the issues identified in the draft paper, with the addition of Cumulative Impacts listed as a separate issue. The first section lists issues that might be examined by the Water Transfers Work Group, where policy options and recommendations can be made. The second section lists issues that are more technical and might be considered first by CALFED and agency staff, in consultation with stakeholders on particular technical issues. Numbering of issues follows the numbering in the discussion paper, so we can keep track of all the issues. The order of issues on the following lists reflects CALFED recommendations of how the issues could be prioritized for consideration.

These draft lists are provided for discussion, revision, and concurrence by the Water Transfers Work Group.

CALFED Agencies

California The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

POLICY ORIENTED ISSUES FOR THE WATER TRANSFERS WORK GROUP

- 9. The nature, extent and ability to mitigate third party impacts
- 7. Groundwater transfers
- X. Cumulative impacts
- 11. Water rights and area of origin protection
- 10. User vs District initiated transfers and local control

TECHNICALLY ORIENTED ISSUES FOR CALFED AND AGENCY STAFF IN CONSULTATION WITH STAKEHOLDERS

- 8. Protection of environmental values
- 4. Priority of access to project facilities for transferred water
- 5. Carriage water requirements in the Delta
- 6. Reservoir refill criteria
- 1. Uncertainty about what constitutes transferable water
 - a. for transfers of conserved water, what is the definition of consumptive use;
 - b. do water quality improvements, reductions in diversions, or changes in flow timing result in transferable water;
 - c. determination of "real water" vs. "paper water";
 - d. transfer of pre-1914 and riparian water;
 - e. transfer of water held under water rights settlement contracts, in particular the distinction between water held under water rights and water held under contract;
 - f. timing and availability of water for transfer;
 - g. changes in consumptive usage in anticipation of transfers.
- 2. Regulatory process problems and permit streamlining
- 3. Accounting and tracking of instream transfers
- 12. Assumptions about transfers and capacity of new facilities

OTHER ISSUES

- 13. Interpretation of the "no injury" rule and the distinctions among types of adverse impacts
(This issue could be considered as part of issues 7, 9, and X.)

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